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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
DIVISION EIGHT

In re Victoria B. et al., Persons  
Coming Under the Juvenile  
Court Law.

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

A.C.,

Defendant and Appellant.

B295784

(Los Angeles County  
Super. Ct. No. DK17753B-C)

APPEAL from orders of the Superior Court of Los Angeles  
County, Steph R. Padilla, Juvenile Court Referee. Affirmed.

John L. Dodd, under appointment by the Court of Appeal,  
for Defendant and Appellant.

Mary C. Wickham, County Counsel, Kristine P. Miles,  
Assistant County Counsel, and Tracey F. Dodds, Principal  
Deputy County Counsel, for Plaintiff and Respondent.

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Father A.C. appeals the juvenile court's order granting a permanent restraining order protecting a Department of Children and Family Services social worker. He also contends the court erred in denying his *Faretta*<sup>1</sup> motion. We affirm.

### **FACTUAL AND PROCEDURAL BACKGROUND**

For context, we draw some of our factual summary from father's earlier appeal (*In re Victoria B. et al.* (Aug. 1, 2019, B293053) [nonpub. opn.]): Twin infants Victoria and Victoriano came to the attention of the Los Angeles County Department of Children and Family Services (Department) several days after their birth. Mother F.B. already had an open dependency case for an older child based on inappropriate discipline, violent behavior, drug and alcohol use, mental health problems, and the unsanitary conditions of her home. (*Ibid.*)

Mother refused to discuss the children with the Department, and concealed their whereabouts. Father's identity and whereabouts were also unknown. On August 25, 2017, the court issued an arrest warrant for mother and protective custody warrants for the children. By September 1, 2017, mother had been arrested and the children were located and detained.

In November 2017, father first made contact with the Department. The children remained detained over the duration of the ensuing dependency proceedings, and on November 5, 2018, father (and not his court-appointed counsel) filed a Welfare and Institutions Code section 388 petition (further statutory references are to this code) seeking placement of the children with him. Although father claims no error related to his section 388 petition, we discuss it because it bears on the court's

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<sup>1</sup> *Faretta v. California* (1975) 422 U.S. 806.

resolution of his *Faretta* motion and request for a restraining order. Father's petition included 19 pages of attachments. The petition and attachments were rambling and at times incoherent, arguing the detention of father's children amounted to a "terrorist attack," and comparing the detention of his twin infants to the 9/11 terrorist attack on the "twin towers." Father alleged his children were placed with a "Muslim terrorist" and that there was a conspiracy to build a "fake case" against him. Father alleged his visits had been interrupted, and that his children might be "dead from this terrorist attack." Father wanted to "report this terrorist attack to the F.B.I., C.I.A., and all 435 members of Congress" and to have "Donald Trump" remove "these terrorists from our beloved Country." Father argued he should be able to use his "WHITE privilege to get custody" of his children. He accused the social workers of "treason."

Father also recited the pledge of allegiance, and alleged "I am a Hebrew Israelite and my children have been placed with Egyptians. Our children have been murdered by this race since before Moses split the Red Sea in the Holy Bible. This is against my religion and culture and I believe this is a full scale terrorist attack."

The petition referred to many hostile encounters father had with the children's foster father, visitation monitors, and social workers.

On November 9, 2018, the juvenile court summarily denied the petition, finding father failed to show changed circumstances.

On November 14, 2018, the Department filed a request for a restraining order protecting social worker Bryan S. from father. According to the request, father had threatened to "blow up" the Department's Torrance office. He also threatened to harm Bryan.

Father's behavior "has been so obstructive, intimidating, and angry" that other Department offices had been unable to provide services to father, and the Foster Family Agency refused to monitor his visits. The request asked that all visitation and contact with social workers be at an office with security and weapons screening or at a police station, and that father only be allowed at Department offices with advance notice. According to the request, the Torrance offices did not have security screening capabilities.

The request was supported by a memorandum of points and authorities, two declarations by Bryan S., declarations by other Department employees, and numerous exhibits, including incident reports, police reports, a 2009 conviction for possession of a firearm in a school zone, other court orders restraining father, father's rambling attachment to his section 388 petition, and emails by father.

The court issued a temporary restraining order that same day, and set the matter for further hearing on December 5, 2018.

On December 5, 2018, father asked to represent himself in the proceedings. When asked why he wanted to represent himself, father stated his counsel is "inadequate and ineffective." The court noted there is a difference between asking for self-representation and asking for counsel to be relieved. The court informed father that if he were to represent himself, he would be treated the same as a lawyer.

The court questioned father about items he brought to court with him which were displayed at counsel's table. Father explained that Christopher Columbus was his great-grandfather. He brought with him a pewter trinket from 1778, photographs of his great-grandparents, pictures of George Washington and

Christopher Columbus, and a 300-year-old stamp bearing an image of Christopher Columbus. He explained he has proof that he is “Christopher Columbus’s family and that’s why . . . this was a full scale terrorist attack . . . .”

As the court was explaining that father “does not have a legal right to represent himself in these proceedings” because they are civil, father interrupted. When the court cautioned him to not interrupt, father reported, “You can keep railroading me and keep going and I can’t never say nothing. So I want to talk this time. You keep going on and on and then I can’t . . . .” The court asked if father was familiar with the juvenile dependency laws of the state of California. Father responded, “No.” The court asked whether father was familiar with the rules of evidence, and father responded. “Yes. [¶] . . . [¶] . . . The cow jumped over the moon.” When asked to clarify his answer, father stated, “The cow jumped over the moon. That’s the rules. They can give you a last-minute email and you won’t let me speak for a whole year, and you can believe all their lies.”

The court explained “[f]or the record at this time I make a finding you are not competent to represent yourself.” Father continued to interrupt, and talk about the Department’s lies and how his children had been “kidnapped.” The court found that “father is having difficulty following directions and understanding the purpose of the hearing. [¶] Based on that, your request to have [counsel] relieved is denied. . . . [¶] I make a specific finding that the father is not capable of representing himself as a result of not responding to questions directly, not understanding dependency court . . . .”

After the court issued its ruling, father continued to have outbursts. Father stated “I quit. You can have the kids. . . .

I don't want to risk my life going to jail for trying to get custody of my kids. The social workers – you all can have the kids. I'll have some more kids. And thank you. You all won. You can have the kids.” Father then left the courtroom.

Father's counsel sought to be relieved, and the hearing on the restraining order was continued a number of times.

The hearing proceeded with new counsel on January 14, 2019. Father received notice of the hearing but was not present in court.

Bryan S. testified he is afraid of father. Father had violated his personal space, getting very close to his face. Father also told one of his service providers he would kill Bryan. Father never directly threatened Bryan. Father had no contact with Bryan once the temporary restraining order was in place. Bryan testified that even if the case was transferred to another social worker, he would still want a restraining order because he is afraid father would try to hurt him.

Father's counsel argued that the requested order was not needed if the case was transferred to a different office and social worker.

The court granted a permanent restraining order protecting Bryan S. and the Torrance Department office. The court also ordered that the case be transferred to the Metro Department office, and that a new social worker be assigned.

Father filed a timely notice of appeal.

## **DISCUSSION**

### **1. Denial of *Faretta* Motion**

Father contends the court committed prejudicial error when it denied his motion to represent himself. We review the

court's decision for abuse of discretion. (*In re A.M.* (2008) 164 Cal.App.4th 914, 923–928 (*A.M.*).

“Section 317, subdivision (b) has been interpreted to give a parent in a juvenile dependency case a statutory right to self-representation. . . . This right is statutory only; a parent in a juvenile dependency case does not have a constitutional right to self-representation.” (*A.M., supra*, 164 Cal.App.4th at p. 923, citation omitted.) “Section 317, subdivision (b) requires appointment of counsel for an indigent parent or guardian in a juvenile dependency case ‘unless the court finds that the parent or guardian has made a knowing and intelligent waiver of counsel as provided in this section.’ . . . A waiver of counsel is valid if the juvenile court has apprised the parent of the dangers and disadvantages of self-representation and the risks and complexities of his or her particular case.” (*Ibid.*, citation omitted.)

“The state will only interfere with an individual’s choice of legal representation when that choice ‘will result in significant prejudice’ to the individual ‘or in a disruption of the orderly processes of justice unreasonable under the circumstances of the particular case.’ [Citation.]” (*In re Jackson W.* (2010) 184 Cal.App.4th 247, 256.) “Thus, the juvenile court has discretion to deny the request for self-representation when it is reasonably probable that granting the request would impair the child’s right to a prompt resolution of custody status *or* unduly disrupt the proceedings.” (*A.M., supra*, 164 Cal.App.4th at pp. 925–926.)

Father contends the court applied the wrong legal standard because it based its ruling on father’s lack of knowledge of juvenile dependency law and rules of evidence. We are not

persuaded. We understand the court's remarks about the Evidence Code and juvenile dependency law as an effort to apprise father "of the dangers and disadvantages of self-representation and the risks and complexities of his . . . case." (*A.M.*, *supra*, 164 Cal.App.4th at p. 923.) Rather, it is clear the court based its decision on father's disruptive behavior and his failure to comprehend the nature of the proceedings. The juvenile court acted well within its discretion in denying his motion. (*Id.* at p. 925.)

Assuming for the sake of argument only that the court erred in denying father's request for self-representation, any error was necessarily harmless. (*A.M.*, *supra*, 164 Cal.App.4th at p. 928 [error is prejudicial if it appears reasonably probable father would have obtained a more favorable result if the juvenile court had granted his request for self-representation]; *People v. Watson* (1956) 46 Cal.2d 818, 837.)

Father does not argue he would have received a better outcome had his request been granted. Instead, he argues it is reasonably probable the court would have granted the motion had it applied the proper legal standard. But this is not the test. (*A.M.*, *supra*, 164 Cal.App.4th at p. 928.) At the restraining order hearing, father's counsel extensively cross-examined Bryan S., and argued, just as father argues on appeal, that the order was not necessary if the case was to be transferred to another social worker in another office. On this record, it is not reasonably probable father would have obtained a more favorable outcome had he been allowed to represent himself. (Cal. Const., art. VI, § 13.)



## 2. Restraining Order

Father contends the court erred in granting a permanent restraining order because it was unnecessary since the court ordered the case transferred to a different office and social worker. He does not challenge the sufficiency of the evidence that he threatened to blow up Department offices or kill Bryan S., but argues any threat had abated when the case was transferred. We are not persuaded.

The juvenile court may issue a restraining order protecting a social worker from a parent. (§§ 213.5, subd. (a) [“A court may . . . issue an ex parte order enjoining any person from molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, harassing, telephoning, . . . destroying the personal property, contacting, . . . coming within a specified distance of, or disturbing the peace of the child’s current or former social worker”]; 340.5 [“the juvenile court may, for good cause shown . . . issue its order restraining the parents of the dependent child from threatening the social worker . . . with physical harm. [¶] . . . ‘good cause’ means at least one threat of physical harm to the social worker . . . made by the person who is to be the subject of the restraining order, with the apparent ability to carry out the threat”].)

We review the court’s order “in a light most favorable to the respondent, and indulge all legitimate and reasonable inferences to uphold the juvenile court’s determination. If there is substantial evidence supporting the order, the court’s issuance of the restraining order may not be disturbed.” (*In re Cassandra B.* (2004) 125 Cal.App.4th 199, 210-211.)

Section 213.5, subdivision (a) expressly contemplates that a restraining order may be issued to protect a *former* social worker.

Moreover, Bryan S. testified that even if the case was transferred to a different office, he still had concerns about the threats on his life and the threats to the Torrance Department offices. Given father's erratic and hostile behavior, rants about terrorism, criminal history, and specific threats to do harm, we find substantial evidence supports the court's order.

**DISPOSITION**

The orders are affirmed.

GRIMES, Acting P. J.

WE CONCUR:

STRATTON, J.

WILEY, J.